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ATTENTION: DOCKETING DEPARTMENT
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In re Application of	:	
Wanker et al.	:	
Application No. 10/589,276	:	
PCT No.: PCT/EP05/01389	:	
Int. Filing Date: 11 February 2005	:	
Priority Date: 11 February 2004	:	DECISION
Atty. Docket No.: 009848-0356193	:	
For: Novel Pharmaceutical And Diagnostic	:	
Compositions For Use In The Treatment	:	
And Diagnosis Of Neurodegenerative	:	
Diseases Or Amyloid Diseases	:	

This is in response to the renewed petition under 37 CFR 1.182 filed on 22 January 2009.

DISCUSSION

In a Decision mailed on 26 August 2008, the petition under 37 CFR 1.182 filed on 12 August 2008 was dismissed, without prejudice, and the declaration filed on 10 March 2008 was not accepted, without prejudice.

Said decision stated in part that

In view of the totality of the evidence now of record, it would be appropriate to accept the inventors' names as they appear on the declaration filed on 10 March 2008

but also indicated that

Upon further review of the application, it is noted that the decision mailed on 10 December 2007 referred to the alteration of the inventors' names in the declaration filed on 04 September 2007. Though petitioner has presented a later executed declaration by inventors Markovic and Ehrnhofer, the declaration of record signed by the remaining inventors continues to contain said un-initialed alterations. While the change in the inventors' names is being accepted, applicants are still required to provide an acceptable declaration (without un-initialed alterations) signed by the remaining inventors. In the absence of an acceptable declaration, it would not be appropriate to grant the petition at this time.

Petitioner argues that the declaration should be accepted because the substantive changes appearing therein have already been accepted, and in effect that the objection to the un-initialed alterations represents a mere matter of form. Based on reconsideration of the totality of the

record, it would be appropriate to grant the requested relief in view of the particular circumstances present in this application.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing. The date of filing of a declaration compliant with 37 CFR 1.497(a) and (b) is **10 March 2008**.

/George Dombroske/
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